

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VONAGE HOLDINGS CORPORATION, :
: Plaintiff, :
: :
: -against- :
: :
THE NEW YORK STATE PUBLIC SERVICE :
COMMISSION, and WILLIAM M. FLYNN, :
LEONARD A. WEISS, THOMAS J. DUNLEAVY, :
and NEAL N. GALVIN in their official capacities :
as the Commissioners of the New York State :
Public Service Commission and not as individuals, :
: Defendants. :
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**STATEMENT OF PLAINTIFF
VONAGE HOLDINGS CORP.
PURSUANT TO RULE 7.1,
FEDERAL RULES OF CIVIL
PROCEDURE**

Now comes Plaintiff Vonage Holdings Corp. ("Vonage"), through undersigned counsel, and states that it has no parent corporation and that no publicly held company owns 10% or more of Vonage's stock.

Respectfully submitted,
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

By:


Ky E. Kirby
William B. Wilhelm
Michael C. Sloan
Yun G. Lee (YL 5067)
The Chrysler Building
405 Lexington Avenue
New York, New York 10174
(212) 973-0111
Counsel for Vonage Holdings Corporation

Dated: June 7, 2004
New York, New York

CIVIL COVER SHEET

JS 44C/SDNY
REV. 1/97
WEB 12/02

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS	Vonage Holdings Corporation	DEFENDANTS	New York State Public Service Commission ("PSC") and William M. Flynn, Leonard A. Weiss, Thomas J. Dunleavy, and Neil N. Galvin (in their official capacities at the PSC)
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)		ATTORNEYS (IF KNOWN)	
Swidler Berlin Shereff Friedman, LLP, The Chrysler Bldg. 405 Lexington Avenue, NY, NY 10174 (212) 973-0111		Ky E. Kirby, William B. Wilhelm, Michael C. Sloan and Yun Lee	
CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)			
47 U.S.C. Sec. 1331. Vonage seeks preliminary and permanent injunctive relief barring enforcement of an order of the New York PSC that purports to impose telephone regulatory requirements on Vonage despite federal preemption.			

Has this or a similar case been previously filed in SDNY at any time? No Yes? Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	PERSONAL INJURY	PERSONAL INJURY	[] 610 AGRICULTURE	[] 400 STATE
[] 120 MARINE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY	[] 620 FOOD & DRUG	REAPPORTIONMENT
[] 130 MILLER ACT	[] 315 AIRPLANE PRODUCT LIABILITY	MED MALPRACTICE	[] 625 DRUG RELATED	[] 410 ANTITRUST
[] 140 NEGOTIABLE INSTRUMENT	[] 320 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY	SEIZURE OF PROPERTY	[] 430 BANKS & BANKING
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	PRODUCT LIABILITY	21 USC 881	[] 450 COMMERCE/ICC RATES/ETC
[] 151 MEDICARE ACT	[] 340 MARINE LIABILITY	ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 630 LIQUOR LAWS	[] 460 DEPORTATION
[] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL. VETERANS)	[] 345 MARINE PRODUCT LIABILITY	PERSONAL PROPERTY	[] 640 RR & TRUCK	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	[] 350 MOTOR VEHICLE	[] 370 OTHER FRAUD	[] 650 AIRLINE REGS	[] 810 SELECTIVE SERVICE
[] 160 STOCKHOLDERS SUITS	[] 355 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 190 OTHER CONTRACT	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 690 OTHER	[] 875 CUSTOMER CHALLENGE
[] 195 CONTRACT PRODUCT LIABILITY		PRODUCT LIABILITY		12 USC 3410
				[] 891 AGRICULTURE ACTS
				[] 892 ECONOMIC STABILIZATION ACT
				[] 893 ENVIRONMENTAL MATTERS
				[] 894 ENERGY ALLOCATION ACT
				[] 895 FREEDOM OF INFORMATION ACT
				[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
		ACTIONS UNDER STATUTES		[] 950 CONSTITUTIONALITY OF STATE STATUTES
				[] 890 OTHER STATUTORY ACTIONS
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE	[] 870 TAXES	
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	20 USC 2255	[] 871 IRS-THIRD PARTY	
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING ACCOMMODATIONS	[] 530 HABEAS CORPUS	20 USC 7609	
[] 240 TORTS TO LAND	[] 444 WELFARE	[] 535 DEATH PENALTY		
[] 246 TORT PRODUCT LIABILITY	[] 440 OTHER CIVIL RIGHTS	[] 540 MANDAMUS & OTHER		
[] 290 ALL OTHER REAL PROPERTY		[] 550 CIVIL RIGHTS		
		[] 555 PRISON CONDITION		

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE: _____

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from (Specify District) 6 Multidistrict Litigation 7 Appellee District
Judge from Magistrate Judge Judgment

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	[] PTF [] DEF	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[] PTF [] DEF	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[] PTF [] DEF
CITIZEN OF ANOTHER STATE	[] PTF [] DEF	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] PTF [] DEF	FOREIGN NATION	[] PTF [] DEF

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

2147 Route 27
Edison, New Jersey 08817
Middlesex County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

Three Empire State Plaza Albany, New York 12223-1350 Albany County (PSC & individual defendants)	One Penn Plaza New York, New York 10119 New York County (PSC & individual defendants)
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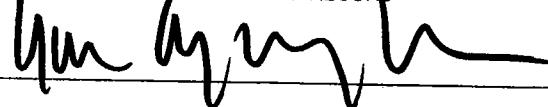
DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS FOLEY SQUARE
(DO NOT check either box if this a PRISONER PETITION.)

DATE
June 7, 2004
RECEIPT #

SIGNATURE OF ATTORNEY OF RECORD



ADMITTED TO PRACTICE IN THIS DISTRICT
[] NO
[] YES (DATE ADMITTED Mo. 05 Yr. 1995)
Attorney Bar Code # YL 5067

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J. Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)